

Appln. No.: 09/992,869
Amendment Dated October 17, 2005
Reply to Office Action of May 20, 2005

NSG-205US

Remarks/Arguments:

Claims 17-19 and 27-29 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite because the Examiner deemed them to be "in improper form because a multiple dependent claims." Although It is not stated in the Office Action, Applicants assume that these claims were rejected because their multiple dependency was not in the alternative form. These claims have been amended to place the multiple dependencies in alternative form. Accordingly, claims 17-19 and 27-29 are no longer subject to rejection under 35 U.S.C. § 112, second paragraph.

Claims 1-8 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Koshimizu and Furusawa et al. In the Office Action it is admitted that "Koshimizu does not disclose a light guide plate in which at least one of an LED device including red, green and blue-LED chips is arranged to a peripheral side surface thereof." For this limitation, the Office Action relies on Furusawa et al. This ground for rejection is respectfully traversed because, pursuant to 35 U.S.C. § 103(c), Furusawa et al. is not a prior-art reference against the subject application. Furusawa et al. was assigned to Nippon Sheet Glass Co. Ltd., the assignee of the subject application, when the subject application was filed. Furthermore, Furusawa et al. issued on March 19, 2002, which is after the November 14, 2001 filing date of the subject invention. Thus, Furusawa et al. is not a prior art reference against the subject invention pursuant to 35 U.S.C. § 103(c).

Applicants note, however, that the priority document for Furusawa et al., Japanese published patent application no. 2000-307808 was published on November 2, 2000, which is before the filing date of the subject application. This application, however does not appear to include the material that the Examiner cited in the rejection of claims 1, 2, 7 and 8.

In particular, the Furusawa et al. Japanese patent application does not disclose or suggest any "light guide plate in which at least one of an LED device including red-, green-, and blue-LED chips is arranged to a peripheral side thereof," as required by claim 1, claims 2, 7 and 8 include similar recitations. Instead, it appears that the Furusawa et al. Japanese patent application discloses only a line illumination source. Indeed, the title of the Japanese application is "Line Illuminator." Also, in paragraph 23 of the machine translation submitted herewith which refers to Item 4 in Fig. 1, that was identified in the Office Action as

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corresponding to the "light guide plate," describes the apparatus as, " a line lighting system forms crevices 1 and 3 in frame 1, the case 5 which contained the cylindrical transparence transparent material." This passage describes a line light source and clearly does not describe a "light guide plate" having "at least one LED device including red-, green-, and blue LED chips, which is arranged at a peripheral side surface of said light guide plate" as required by claims 1, 2, 7 and 8 of the subject application.

While the Japanese Furusawa et al. application does appear to disclose the use of LED's to illuminate the line light source, there is no suggestion that this illumination method would be appropriate for an area light source. Moreover, the only suggestion to combine the Koshimizu with the Japanese Furusawa et al. application comes from Applicants' own specification. It is well settled that Applicants' specification may not be used against them in this manner.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *Second, there must be a reasonable expectation of success.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.* (emphasis added)¹

Here, there is no reasonable expectation of success as Furusawa et al. do not indicate that their LED light source would be appropriate for an area light source.

Because Furusawa et al. is not a prior art reference against the subject application, because the Furusawa et al. Japanese patent application does not include the material relied upon by the examiner in the rejection, and because the combination of Koshimizu and the Japanese Furusawa et al. application is improper, claims 1, 2, 7 and 8, and claims 3-6 which depend from claim 2, as well as claim 9 which depends from claim 7 or 8 are not subject to rejection under 35 U.S.C. § 103(a) in view of Koshimizu and Furusawa et al.

Although it is not explicitly stated in the Office Action, it appears that claim 9, which depends from claim 8, is rejected under 35 U.S.C. § 103(a) as being obvious in view of Koshimizu, Furusawa et al., and Ishikawa. This ground for rejection is respectfully traversed.

¹ MPEP §706.02(j)

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In particular, as set forth above, Furusawa et al. is not a proper prior art reference against the subject application and the Furusawa et al. Japanese application does not appear to disclose or suggest a light-guide plate as required by claim 9. Ishikawa relates to a surface light source that uses a light-guide plate 2 which is illuminated by a lamp 1 on one side of the light-guide plate. Thus, Ishikawa does not provide the material, (i.e. the "light guide plate in which at least one of an LED device including red, green and blue-LED chips is arranged to a peripheral side surface thereof") that is missing from Koshimizu and the Japanese Furusawa et al. application. Accordingly, claim 9 is not subject to rejection under 35 U.S.C. § 103(a) in view of Koshimizu, Furusawa et al., and Ishikawa.

Claim 10, which depends from claim 9, was rejected under 35 U.S.C. § 103(a) as being obvious in view of Koshimizu and Ishikawa. Because claim 10 depends from claim 9, it requires the "light guide plate in which at least one of an LED device including red, green and blue-LED chips is arranged to a peripheral side surface thereof," which the Examiner admits is missing from Koshimizu. As set forth above, this feature is not found in Ishikawa. Thus, claim 10 is not subject to rejection under 35 U.S.C. § 103(a) in view of Koshimizu and Ishikawa or in view of Koshimizu, Ishikawa and the Furusawa et al. Japanese application.

Claims 11-15, 17, 18, 20-25, 27, 28 and 30 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Koshimizu and Yamamoto. Because all of these claims depend from claim 2, they require the "light guide plate in which at least one of an LED device including red, green and blue-LED chips is arranged to a peripheral side surface thereof," which the Examiner admits is missing from Koshimizu. Yamamoto concerns an image reading device that includes a line light source 20 which employs LEDs 21R, 21G and 21B along its length. (See Fig. 2 and col. 4, lines 18-34). Yamamoto does not disclose or suggest any area light source. Thus, Yamamoto can not provide the material that is missing from Koshimizu. Accordingly, claims 11-15, 17, 18, 20-25, 27, 28 and 30 are not subject to rejection under 35 U.S.C. § 103(a) in view of Koshimizu and Yamamoto for at least the same reasons as claim 2 from which they depend.

Applicants appreciate the indication in the Office Action that claims 16, 19, 26 and 29 are objected to as being dependent from a rejected base claim but would be allowable if rewritten to be independent in form including all of the limitations of their base claim and any


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intervening claim. All of these claims depend from claim 2. As set forth above, claim 2 is not subject to rejection. Thus, claims 16, 19, 26 and 29 are not subject to objection.

In view of the foregoing amendments and remarks, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1-15, 17, 18, 20-15 27, 28 and 30 and the objection to claims 16, 19, 26 and 29.

Respectfully submitted,


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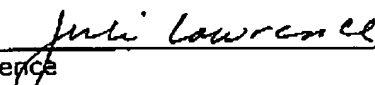
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